

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SANDRA M. HARTWIG,

Plaintiff,

v.

CV No. 19-1017 JFR/CG

ONPOINTE,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court upon review of the record. Defendant was served by certified mailed on November 5, 2019. Defendant was served again by the United States Marshal's Service on February 21, 2020. To date, Defendant has not indicated receipt of service or filed a responsive pleading to Plaintiff's Complaint.

The Court is aware that Plaintiff is proceeding without counsel. However, the Court advised Plaintiff that she must comply with the Local and Federal Rules of Civil Procedure in prosecuting her action. See (Doc. 7 at 3) ("[T]he Court reminds Ms. Hartwig that as a pro se litigant, she is bound by the rules of the Court, specifically the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure.").

Local Rule 41.1 states: "A civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward." D.N.M. LR-41.1. At this juncture, Plaintiff must proceed with prosecuting her case or risk dismissal of this action without further notice. See *Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980) ("It is incumbent on litigants, even those proceeding *pro se*, to follow the federal rules of procedure The same is true of simple, nonburdensome local rules....") (citations omitted).

When a Defendant does not respond to service of the Complaint and Summons, the Plaintiff may request entry of default, pursuant to Federal Rule of Civil Procedure 55(a). After seeking an entry of default by the Clerk's Office under Rule 55(a), Plaintiff may apply to the Court for a default judgment under Rule 55(b). The Court has attached the Clerk's Office *Guidelines for Requesting Clerk's Entry of Default and Default Judgment* for Plaintiff's convenience.

IT IS THEREFORE ORDERED that, on or before **June 12, 2020**, Plaintiff shall file a notice with the Court stating why this case should not be dismissed for failure to prosecute or file the appropriate motion in accordance with the Federal Rules. Failure to timely comply may result in dismissal of this action without further notice.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', is written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE